

Approved: 03/29/12
Date

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on March 14, 2012, in Room 159-S of the Capitol.

All members were present:

Senator Steve Morris-excused

Committee staff present:

David Wiese, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Abigail Boudewyns, Kansas Legislative Research Department
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Tim Tyson, Director, Ag Marketplace Protection Program, Kansas Department of Agriculture (KDA)
Dr. Gary Meyer, Pesticide & Fertilizer Program Manager, Kansas Department of Agriculture (KDA)
David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA)
Dennis Taylor, Secretary, Kansas Department of Administration

Others attending:

See attached list.

David Wiese, Office of the Revisor of Statutes reviewed the use of the word "premises" in **SB 414 -- Agriculture; amendments to animal health statutes which was discussed in the meeting yesterday.** Chairman Taddiken said that the word "premises" shall remain in **SB 414.**

Chairman Taddiken opened the hearing on **HB 2597 – Repealing K.S.A. 2-1426 and K.S.A. 2011 Supp. 2-1424a and 2-1425 concerning agricultural seeds; relating to a seed laboratory, seed testing, seed examination fee fund and publication of reports of inspectors exams.**

Tim Tyson, Director, Ag Marketplace Protection Program, Kansas Department of Agriculture (KDA), presented testimony in support of **HB 2597.** (Attachment 1) He said the KDA supports repealing these statutes as the state no longer has a seed lab. The Kansas Crop Improvement Association in Manhattan operates a seed testing lab that the state contracts with to do their testing.

Chairman Taddiken noted that each of the Committee members had received a sheet listing the seven (7) repealer bills in the Agriculture Committee. (Attachment 2)

Hearing was closed on **HB 2597.**

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Hearing was opened on **HB 2626 – Repeal of K.S.A. 83-139 and 83-140 concerning fraudulent practices selling grain, seed, hay or coal; relating to penalties, civil liability and attorney fees.**

Tim Tyson, Director, Ag Marketplace Protection Program, KDA, spoke in favor of **HB 2626**. (Attachment 1) He stated that these statutes are not needed anymore because seed, hay and coal are all sold by weight. He also said the Division of Weights and Measures adopts the National Institute of Standards and Technology (NIST HB 130) and has a method of sale for commodities.

Chairman Taddiken closed the hearing on **HB 2626**.

Chairman Taddiken opened the hearing on **HB 2604 – Repealing K.S.A. 2011 Supp.2-1233 regarding fertilizer and pesticide compliance and administration fund and HB 2605 – Repeal of K.S.A. 2-2465 regarding the pest control operators' fee fund.**

Dr. Gary Meyer, Pesticide and Fertilizer Program Manager, KDA, testified in support of **HB 2604**. (Attachment 1) He said the 2009 Legislature eliminated the Fertilizer and Pesticide Compliance and Administration Fund fertilizer tonnage fee breakout established by the 2002 Legislature and restored the requirement for the program's share to go to the Fertilizer Fee fund which is carrying a zero balance and serves no function. There were no questions for Dr. Meyer.

Dr. Meyer also spoke in support of **HB 2605 – Repeal of K.S.A. 2-2465 regarding the pest control operators' fee fund.** (Attachment 1) He said the requirements of K.S.A. 2-2465 have been fulfilled; therefore the KDA supports repealing this statute. There were no questions for Dr. Meyer.

Chairman Taddiken closed the hearings on **HB 2604** and **HB 2605**.

Senator Abrams made a motion to pass HB 2597, HB 2604, HB 2605 and HB 2626 out favorably and place on the Consent Calendar. Motion seconded by Senator Teichman. Motion carried.

Chairman Taddiken opened the hearing on **HB 2649—Repeal of certain water statutes.**

Dave Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA), testified in support of **HB 2649**. (Attachment 1) He said that this bill would repeal statutes regarding construction of a dam or levee by a landowner, regarding permitting of dams built under the federal agriculture program and regarding the Sunflower ammunition plant water rights. Mr. Barfield stood for questions.

Senator Teichman made a motion to remove the original contents of HB 2596 – Repealing of 2011 Supp. 74-509 concerning the duties of the irrigation commission and place into HB 2649; seconded by Senator Abrams. Motion Carried.

Senator Teichman made a motion to pass HB 2649 as amended; seconded by Senator Francisco. Motion carried.

Chairman Taddiken opened the hearing on **HB 2668 –Repealing K.S.A. 19-322 concerning the**

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recording of farm names with the County Clerk.

Dennis Taylor, Secretary, Kansas Department of Administration, presented testimony in support of **HB 2668**. (Attachment 3) He said this bill encompasses a statute that falls within the category of being unduly burdensome. He also said that this statute requires overhead and oversight costs for county clerks that aren't covered by the one dollar payment allowed in the statute.

*Senator Love made a motion to pass **HB 2668** out favorably and place on the Consent Calendar; seconded by Senator Schmidt. Motion passed.*

Discussion was opened on **SB 2517 – Making the water transition assistance program permanent.** Hearings on **SB 2517** were held on March 6. Steve Frost, Water Conservation Programs Manager, Division of Conservation, KDA, answered questions from the Committee.

Senator Bruce made a motion to extend the sunset provision 10 (ten) years out. Motion was seconded by Senator Abrams. Motion carried.

*Senator Teichman made a motion to pass **SB 2517** out favorably, as amended; seconded by Senator Schmidt. Motion carried.*

Discussion was opened on **HB 2516 – Allowing a water bank charter to become permanent.** The hearing on **HB 2516** was held on March 6. *Senator Francisco made motion to adopt an amendment to remove lines 25-30, Sec.2 (b) on page 3. Motion was seconded by Senator Ostmeyer. Motion carried.*

*Senator Bruce made a motion to sunset the provisions in **HB 2516** ten (10) years from the enactment of the bill; seconded by Senator Ostmeyer.* There was discussion on the motion with David Barfield, KDA, taking questions from the Committee. *Motion failed.* Further discussion was held on **HB 2516**.

*Senator Francisco moved that **HB 2516** be passed as amended. Motion was seconded by Senator Teichman. Motion passed.*

Discussion was begun on **HB 2503 – Amending the membership and responsibilities for certain agricultural boards and advisory bodies.** Hearings were held on this bill on March 13.

David Wiese, Revisor, said there are technical amendments to this bill regarding the Dairy Marketing Advisory Board.

Senator Teichman made a motion to accept the proposed technical amendment; seconded by Senator Francisco. Motion passed.

*Senator Teichman made a motion to move **HB 2503**, as amended, out of Committee. Senator Francisco seconded the motion. Motion carried.*

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MINUTES OF THE Senate Agriculture Committee at 8:30 a.m. on March 14, 2012, in Room 159-S of the Capitol.

Discussion began on **HB 2730 -- Amending the provisions of acts pertaining to food safety and lodging establishments**. This bill was heard on March 13. Copies of suggested amendments to **HB 2730** were distributed to the Committee. (Attachment 4)

Senator Francisco made a motion to adopt the amendments on pages 17, line 18 to delete the word "operations" and insert the word "locations" and on page 28, to add a line regarding a guest house; seconded by Senator Teichman. Motion passed.

Erik Wisner, Regulatory & Policy Special Assistant, KDA, answered questions regarding the proposed amendments to **HB 2730**.

Motion by Senator Bruce to strike all in line 39 after the period; strike all in lines 40 through 43; and on page 12, strike all of line 1; seconded by Senator Pyle. Motion carried.

*Senator King made a motion that **HB 2730** is amended to include the contents of **SB 302**; seconded by Senator Francisco. Motion passed.*

*Senator Abrams made a motion that **HB 2730** be passed out as **Senate Substitute for HB 2730**; seconded by Senator Ostmeyer. There was discussion on the motion. Motion carried.*

Discussion was begun on **SB 412 – Water permit for sand and gravel pit projects**. A copy of proposed amendments was handed out. (Attachment 5)

Senator Ostmeyer made a motion to adopt the amendments; seconded by Senator Teichman. Motion carried.

*Senator Ostmeyer moved to pass out **Substitute SB 412**; seconded by Senator Teichman. Motion carried.*

The meeting was adjourned at 9:30 a.m.